THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26627 OF 1995

ORAL ORDER:

The petitioner claims to be an Association formed by the repatriates from Sri Lanka. It is stated that under the Indo-Ceylon Agreement, 1964, certain schemes were sanctioned for permanent resettlement of the repatriates in India. Pursuant thereto, more than 100 families have been settled in Jandrapet, Vetapalem Mandal of Prakasam district and they have also been provided with employment in Chirala Co-operative Spinning Mills Limited-4th respondent herein. It is not in dispute that the Government of India, Ministry of Supply and Rehabilitation sanctioned funds to the Government of Andhra Pradesh for construction of residential quarters to the repatriate workers. Pursuant thereto, 152 quarters have been constructed under the supervision of Executive Engineer, R & B department, Ongole and the said quarters were allotted to repatriates, working in the 4th respondent-Mills in the order of seniority.

This writ petition is filed contending that whereas as per the instructions of the State Government in memo dated 3.4.1989, the members of the petitioner-Association are entitled for grant of pattas in respect of the houses constructed on Government land, no such pattas have been granted, though the repatriates submitted repeated representations to the Commissioner of Rehabilitation. It is also alleged that the Collector, Prakasam District by letter dated 16.1.1995 directed the 4th respondent to settle the matter immediately as the houses allotted to the repatriates have been encroached upon and occupied by non-repatriates. It was also alleged that 'D' Form pattas were likely to be granted to illegal occupants in respect of the houses in question. Alleging inaction on the part of the respondents, this writ petition is filed seeking a direction to the respondents to evict the illegal occupants and to restore the same to the members of the

petitioner-Association.

This Court while directing *Rule nisi*, granted interim stay of grant of such pattas to the illegal occupants.

In response to the *Rule nisi*, the Mandal Revenue Officer, Vetapalem-3rd respondent herein, filed a counter-affidavit stating that there are no unauthorized construction of cottages in the Repatriates Colony. The allegation that steps are being taken to issue 'D' Form pattas to local workers, who occupied the quarters, has been categorically denied, and it is explained that there was never such a proposal either from the local mill workers or from the Managing Director of the 4th respondent-Mill. It is further stated that quarters were constructed under the supervision of the Executive Engineer, R & B department, Ongole, and they were allotted by the 4th respondent to mill workers. The Mandal Revenue Officer has also assured that necessary action will be taken for eviction of the illegal occupants, if any, with the help of police, if the list of illegal occupants is sent by the 4th respondent-mill. While denying the allegations made by the petitioner, it is stated that there are no unauthorized constructions in the Colony.

In view of the counter-affidavit filed by the 3rd respondent, it is clear that there was no proposal at any time to grant pattas to the illegal occupants as alleged by the petitioner. The allegation of the petitioner being unfounded, no further enquiry is necessary in the writ petition. However, with regard to the alleged illegal occupants are concerned, the 4th respondent is directed to furnish the list of illegal occupants, if any, with necessary details to the 3rd respondent. On receipt of such details, it is open to the 3rd respondent to take appropriate steps following due process of law to get the unauthorized occupants evicted.

With the above direction, the writ petition is disposed of. No costs.

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(G. ROHINI, J.)

5th September, 2006.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26627 OF 1995

5th September,2006.

Between:

The Repatriates Association,

Jandrapet, Vetapalem Mandal,
Prakasam district, represented by its
President – Maris Nayagam Anthony Samy. .. Petitioner.

And

The Government of Andhra Pradesh, represented by
the Secretary, Revenue (Reh.II), Department,
Secretariat Buildings, Hyderabad and others. .. Respondents.